

ASSEMBLY BILL

No. 2489

Introduced by Assembly Member Lowenthal

February 21, 2014

An act to amend Section 13957.7 of the Government Code, relating to victims of crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as introduced, Lowenthal. Victims of crimes.

Existing law provides for the indemnification of victims of specified types of crimes by the California Victim Compensation and Government Claims Board.

Existing law requires the board to pay attorney's fees representing the reasonable value of legal services rendered to the applicant, in an amount equal to 10% of the amount of the award, or \$500, whichever is less, for each victim and each derivative victim, as specified. Existing law provides that an attorney receiving fees from another source may waive the right to receive these fees.

This bill, for each victim and derivative victim, would pay attorney's fees of 10% of the award or \$100, whichever is less, for applications that are approved, 10% of the award or \$200, whichever is less, for applications that are denied but later approved during the appeal process but before an oral hearing, and \$75 per hour up to \$500, for applications that are denied, appealed, and the attorney represents the claimant at the oral hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 13957.7 of the Government Code is amended to read:

13957.7. (a) No reimbursement may be made for any expense that is submitted more than three years after it is incurred by the victim or derivative victim. However, reimbursement may be made for an expense submitted more than three years after the date it is incurred if the victim or derivative victim has affirmed the debt and is liable for the debt at the time the expense is submitted for reimbursement, or has paid the expense as a direct result of a crime for which a timely application has been filed or has paid the expense as a direct result of a crime for which an application has been filed and approved.

(b) Compensation made pursuant to this chapter may be on a one-time or periodic basis. If periodic, the board may increase, reduce, or terminate the amount of compensation according to the applicant's need, subject to the maximum limits provided in this chapter.

(c) (1) The board may authorize direct payment to a provider of services that are reimbursable pursuant to this chapter and may make those payments prior to verification. However, the board may not, without good cause, authorize a direct payment to a provider over the objection of the victim or derivative victim.

(2) Reimbursement on the initial claim for any psychological, psychiatric, or mental health counseling services shall, if the application has been approved, be paid by the board within 90 days of the date of receipt of the claim for payment, with subsequent payments to be made to the provider within one month of the receipt of a claim for payment.

(d) Payments for peer counseling services provided by a rape crisis center may not exceed fifteen dollars (\$15) for each hour of services provided. Those services shall be limited to in-person counseling for a period not to exceed 10 weeks plus one series of facilitated support group counseling sessions.

(e) The board shall develop procedures to ensure that a victim is using compensation for job retraining or relocation only for its intended purposes. The procedures may include, but need not be limited to, requiring copies of receipts, agreements, or other

1 documents as requested, or developing a method for direct
2 payment.

3 (f) Compensation granted pursuant to this chapter shall not
4 disqualify an otherwise eligible applicant from participation in any
5 other public assistance program.

6 (g) (1) The board shall pay attorney's fees representing the
7 reasonable value of legal services rendered to the applicant, in an
8 amount equal to 10 percent of the amount of the award, or the
9 following amounts:

10 (A) For applications that are approved by the board without
11 an appeal being filed, 10 percent of the amount of the award, or
12 one hundred dollars (\$100), whichever is less, for each victim and
13 each derivative victim.

14 (B) For applications that are denied by the board, but later
15 approved during the appeal process, but prior to an oral hearing,
16 10 percent of the amount of the award, or two hundred dollars
17 (\$200), whichever is less, for each victim and each derivative
18 victim.

19 (C) For applications that are denied by the board, appealed,
20 and the attorney appears at the oral hearing to represent the
21 claimant, seventy-five dollars (\$75) per hour, up to a maximum of
22 five hundred dollars (\$500), ~~whichever is less~~, for each victim and
23 each derivative victim. ~~An attorney~~

24 (2) An Attorney receiving fees from another source may waive
25 the right to receive fees under this subdivision. Payments under
26 this subdivision shall be in addition to any amount authorized or
27 ordered under subdivision (b) of Section 13960. ~~An~~

28 (3) An attorney may not charge, demand, receive, or collect any
29 amount for services rendered in connection with any proceedings
30 under this chapter except as awarded under this chapter.

31 (h) A private nonprofit agency shall be reimbursed for its
32 services at the level of the normal and customary fee charged by
33 the private nonprofit agency to clients with adequate means of
34 payment for its services, except that this reimbursement may not
35 exceed the maximum reimbursement rates set by the board and
36 may be made only to the extent that the victim otherwise qualifies
37 for compensation under this chapter and that other reimbursement
38 or direct subsidies are not available to serve the victim.

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